



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

JUL 09 1999

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael L. Laber, Esq.
Ford Motor Company
Suite 728-Parklane Towers East
One Parklane Boulevard
Dearborn, Michigan 48126-2493

Dear Mr. Laber:

Enclosed is an executed original of the Consent Agreement and Consent Order (CACO). The CACO was filed with the Regional Hearing Clerk on 7/13/99. Payment instructions are located in paragraph twelve (12) of the CACO. Initial payment is due thirty (30) days after the filing date. Your check should display the case docket number (5-CAA-99-011) and the billing document number BD # 050399031.

If you have any questions please contact myself, at (312) 886-6798, or Nancy Mugavero, at (312) 353-4890.

Sincerely yours,

A handwritten signature in black ink that reads "William L. MacDowell".

William MacDowell, Chief
Air Enforcement and Compliance Assurance section (MN/OH)

Enclosure

RECEIVED
REGIONAL OFFICE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

'99 JUL 13 P4:20

IN THE MATTER OF:)	Docket No. CAA-5-99-011
)	
FORD MOTOR COMPANY,)	Proceeding to Assess Administrative
)	Penalties under Section 113(d) of the
Respondent.)	Clean Air Act, 42 U.S.C. § 7413(d)
_____)	

CONSENT AGREEMENT AND CONSENT ORDER

I. PRELIMINARY STATEMENT

On March 31, 1999, complainant, the Acting Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5, filed an administrative complaint for the assessment of a civil penalty in accordance with Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits," 40 C.F.R. Part 22, against respondent, Ford Motor Company.

Complainant and respondent, the parties to this consent agreement and consent order (CACO), agree that resolution of this matter through entry of this CACO is an appropriate means of resolving this matter.

Before the taking of any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby agreed and ordered as follows:

1. U.S. EPA is issuing this CACO in accordance with Section 113(d) of the Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 C.F.R. Part 22.
2. On September 28, 1998, U.S. EPA issued a Notice of Violation to respondent for alleged violations of respondent's air emission permit.
3. On March 31, 1999, complainant filed an administrative complaint against respondent which alleges certain violations set forth in the September 28, 1998, Notice of Violation. The complaint proposed a civil penalty of \$55,000.
4. Upon receipt of the Notice of Violation and the complaint, respondent cooperated with U.S. EPA to resolve the matters covered by this CACO and respondent has shown good faith and cooperation in settling this matter.
5. Respondent admits that complainant has jurisdiction over the subject matter alleged in the complaint and waives any defenses it might have as to jurisdiction and venue.
6. Other than those allegations admitted in respondent's answer to the complaint, respondent neither admits nor denies the factual allegations in the complaint.
7. Respondent consents to the terms of this CACO and to the assessment of the civil penalty provided below.
8. Respondent waives its right to a judicial or administrative hearing or appeal on any issue of law or fact set forth in the complaint or to challenge the terms and conditions of this CACO.

9. This CACO applies to and binds respondent, and respondent's successors and assigns, including but not limited to, subsequent purchasers.

II. TERMS OF SETTLEMENT

10. In accordance with Section 113(d) and (e) of the Act, 42 U.S.C. § 7413(d) and (e), and after consideration of the nature of the violations addressed, information provided by Respondent, and other relevant factors, complainant finds that an appropriate civil penalty is THIRTY EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$38,500).

11. Respondent consents to the issuance of the CACO and consents for the purposes of settlement to the payment of the civil penalty cited in the above paragraph.

12. Within 30 days of receiving a copy of this CACO signed by the U.S. EPA Regional Administrator, Region 5, respondent will submit a check to the order of the "Treasurer, United States of America," in the amount of THIRTY EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$38,500) to:

U.S. EPA, Region 5
P.O. Box 70753
Chicago, IL 60604

Respondent will provide a copy of the check to:

Regional Hearing Clerk
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

and

Richard Murawski
Assistant Regional Counsel
U.S. EPA, Region 5
Mail Code C-14J

77 West Jackson Blvd.
Chicago, IL 60604

Interest and late charges will be paid as specified in paragraph 15 below.

13. The penalty specified in paragraph 10 above will represent civil penalties assessed by U.S. EPA and will not be deductible for purposes of federal taxes.

14. Nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of U.S. EPA to seek any other remedies or sanctions available by virtue of respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for respondent's violation of any applicable provision of law.

15. In accordance with Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), if respondent fails to pay the civil penalty required under this CACO, U.S. EPA may request the Attorney General to bring a civil action to recover the penalty, plus interest. In addition to such penalty and interest, respondent may be required to pay the United States' enforcement expenses and a quarterly nonpayment penalty of 10 percent of the aggregate amount of outstanding penalties and nonpayment penalties accrued as of the beginning of such quarter.

16. This CACO will not relieve respondent of its obligation to comply with all applicable provisions of federal, state or local law, nor will it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit.

17. This CACO constitutes a settlement by U.S. EPA of all claims for civil penalties in accordance with the Clean Air Act for the violations alleged in the complaint. Nothing in this CACO is intended to nor shall be construed to operate in any way to resolve any criminal liability of the respondent.

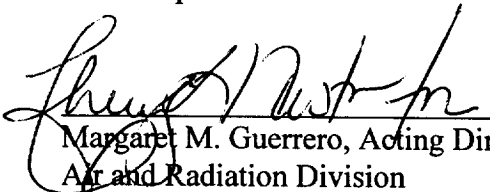
18. Each undersigned representative of the parties to this CACO certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CACO and to execute and legally bind that party to it.

19. This document constitutes an "enforcement response" as that term is used in the Clean Air Act Civil Penalty Policy for the purposes of determining respondent's "full compliance history" as addressed in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e).

20. Each party will bear its own costs and attorney's fees in connection with the action resolved by this CACO.

21. The effective date of this CACO will be the date on which it is signed by the Regional Administrator.

For Complainant:


Margaret M. Guerrero, Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5

For Respondent:


Tom Saybolt
Ford Motor Company

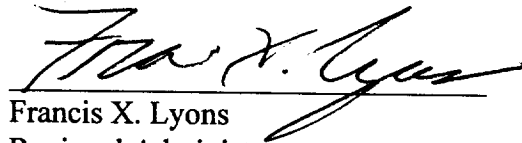
Date: 7/7/95

Date: June 21, 1999

In the Matter of Ford Motor Company
Docket No. CAA-5-99-011

III. ORDER

Effective immediately, respondent is ordered to comply with the terms of this CACO.

A handwritten signature in black ink, appearing to read "Francis X. Lyons", is written over a horizontal line.

Francis X. Lyons
Regional Administrator
U.S. Environmental Protection Agency, Region 5

Date: 7/9/99

CERTIFICATE OF FILING AND MAILING

I, Loretta Shafer, do hereby certify that the original of the foregoing Consent Agreement and Consent Order (CACO), was sent to Michael L. Laber, Esq., Ford Motor Company, Suite 728- Parklane Towers East, One Parklane Boulevard, Dearborn, Michigan 48126-2493, and was filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604;

I also certify that copies of the CACO were sent by First Class Mail to:

Steve Giddings, Supervisor
Metro Enforcement Unit
Minnesota Pollution Control Agency
520 Lafayette Road, North
St. Paul, Minnesota 55155

on the 14th Day of July 1999.

Betty Williams for Loretta Shafer
Loretta Shafer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: P 140 779 150